UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE DEWEY LAMONS,) Plaintiff,) v.) CIV. NO. 3:08-CV-498) (PHILLIPS/GUYTON)

MICHAEL J. ASTRUE,

Defendant.

Commissioner of Social Security,

ORDER OF REMAND UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g)

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under **sentence four** of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the parties' motion to remand this action, this Court now, upon substantive review, hereby enters a judgment under sentence four of 42 U.S.C. § 405(g) reversing the Commissioner's decision with a remand of the cause to the Commissioner according to the following terms. See Shalala v. Schaefer, 509 U.S. 292, 296, 113 S. Ct. 2625, 2629 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 97-98, 111 S. Ct. 2157, 2163 (1991).

On remand, the case will be sent to an administrative law judge for further evaluation of the entirety of Dr. Daniel Kan's report, dated 12/05/2006. The ALJ will then issue a new decision.

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Thomas H. Millips

U. S. District Judge

Proposed by:

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